

REMARKS

The present request for reconsideration is submitted in response to the Final Office Action dated November 18, 2003, which set a three-month period for response, making this amendment due by February 18, 2004.

Claims 12-22 are pending in this application.

In the Final Office Action, claims 12-22 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,201,326 to Klappenbach et al.

The Applicants again must respectfully disagree with the Examiner's conclusion that the Klappenbach reference anticipates the present invention. While the Applicants appreciate the explanation of the interpretation of the phrase "loosely coupled" provided in the Final Office Action, the Applicants believe that the Klappenbach reference has been extended inadmissibly beyond what is actually taught in this reference.

The Examiner's comments are based solely on a comparison of Figure 5 of Klappenbach with claim 12 of the present application, disregarding the description. Although, arguably, there may be some similarities between the Klappenbach device and the present invention, a main difference of the present invention as defined in claim 12 is the feature that "the brush holder, for installation in the actuator, is loosely coupled to the printed circuit board".

In contrast, in Klappenbach, as defined in claim 1, "a circuit board supports...a brush holder" (column 5, line 2) "for assembly" (column 6, line 7). What actually occurs during "assembly" is clearly explained in column 4, lines 54,

which states the following: "The assembly...takes place by means of the completely equipped printed circuit board which contains the brush holder as well as all of the other components."

Form the phrase "completely equipped printed circuit board (PCB)", it is clear that all components taught by Klappenbach are fixed to the PCB in a "non-loose" manner.

To follow the Examiner's example in the Office Action of using an analogy for explanation purposes, if one goes to a store to purchase a "completely equipped" printed circuit board (PCB), one would expect that all of the components are rigidly fixed to the PCB and would not dangle about since they are only loosely coupled to it.

Thus, this is a surprising feature of the present invention. One skilled in the art would expect (especially from the teachings of Klappenbach) that the brush holder is not loosely coupled to the printed circuit board.

Because Klappenbach fails to disclose at least this one feature of the present invention, the rejection of claims 12-22 under Section 102 cannot be maintained. A prior art reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there. *Motorola, Inc., v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997).

Therefore, claim 1 of the present invention is neither anticipated nor rendered obvious by Klappenbach.

For the reasons set forth above, the Applicants respectfully submit that claims 12-22 are patentable over the cited reference. The Applicants further request withdrawal of the Final rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700